

02-28-07  
IAP15 Rec'd PCT/PTO 27 FEB 2007

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.

SPR00857P00040US

In Re Application Of: Graeme David Richards

FEB 27 2007  
880

Application No. <small>TRADEMARK OR 107573,341</small>	Filing Date <small>March 24, 2006</small>	Examiner <small>unknown</small>	Customer No. <small>38,939</small>	Group Art Unit <small>unknown</small>	Confirmation No. <small>5382</small>
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Invention: **METHOD FOR BREEDING PLANTS**

Mail Stop Missing Parts

COMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on

December 27, 2006

Date

Enclosed herewith for filing are the following:

- A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). (**REQUIRED**)
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- A properly signed oath or declaration in compliance with 37 CFR 1.63.
- An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- \_\_\_\_\_ verified small entity declaration(s)
  - is/are attached.
  - was/were filed on \_\_\_\_\_
- A separate request for refund.
- Other (list):

**Notification of Missing Requirements Under 35 U.S.C. 371  
Assignment and Recordation of Assignment Cover Sheet  
Declaration and Power of Attorney  
Fee Transmittal  
Change of Correspondence Address  
Return Receipt Postcard**

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.  
**SPR00857P00040US**

**In Re Application Of:**

Graeme David Richards

FEB 27 2007

Application No. 1  
TRADEMARK REG. 3341

**Filing Date**

Examiner  
unknown

**Customer No.**

## Group Art Unit

**Confirmation No.**

## Invention: METHOD FOR BREEDING PLANTS

**TO THE COMMISSIONER FOR PATENTS:**

## Mail Stop Missing Parts

- Completion of application fees as calculated below:

- |   |         |
|---|---------|
| <input type="checkbox"/> Utility application basic fee  | _____   |
| <input type="checkbox"/> Design application basic fee   | _____   |
| <input type="checkbox"/> Search Fee   | \$0.00  |
| <input type="checkbox"/> Examination Fee  | \$0.00  |
| <input type="checkbox"/> Total number of independent claims = _____   | _____   |
| <input type="checkbox"/> Total number of claims = _____   | _____   |
| <input type="checkbox"/> Multiple dependent claims  | _____   |
| <input checked="" type="checkbox"/> Surcharge for late payment of filing fee and/or late filing of original declaration or oath | \$65.00 |
| <input type="checkbox"/> Petition and fee for filing by other than all the inventors or a person not the inventor               | _____   |
| <input type="checkbox"/> Fee for processing an application filed with a non-English language specification                      | _____   |
| <input type="checkbox"/> Fee for processing and retention of application  | _____   |

03/01/2007 LLANDGRA 00000044 U4EEES 100.00  
01 FD:2617 65.00 DA

Total completion of application fees \$65.00

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

- One month     Two months     Three months     Four months     Five months

**from:**

Date \_\_\_\_\_

**until:**

Date

### Total time extension fees

**Total fees due** \$65.00

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Small Entity)**

Docket No.  
**SPR00857P00040US**

In Re Application Of: **Graeme David Richards**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/573,341	March 24, 2006	unknown	38,939	unknown	5382

Invention: **METHOD FOR BREEDING PLANTS**

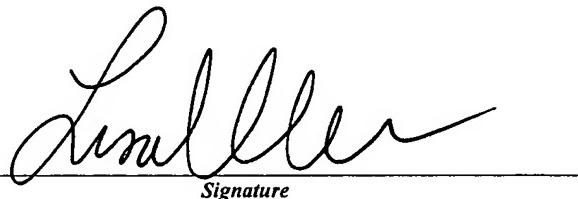
**TO THE COMMISSIONER FOR PATENTS:**

**Mail Stop Missing Parts**

The fee of \_\_\_\_\_ is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 04-2223
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 04-2223
- Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
*Lisa Mueller*  
Signature

Dated: **February 27, 2007**

**Lisa Mueller**  
Dykema Gossett PLLC  
10 South Wacker Drive  
Suite 2300  
Chicago, IL 60606

**Express Mail No. EV 892825652 US**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as ~~first class mail~~ in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

*2/27/07*

(Date)

*Patricia A. Fossier*

**Signature of Person Mailing Correspondence**

**Patricia A. Fossier**

**Typed or Printed Name of Person Mailing Correspondence**

CC:

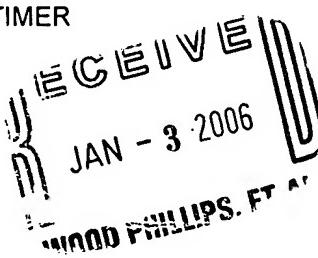


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/573,341	Graeme David Richards	SPR00857P00040US
INTERNATIONAL APPLICATION NO.		
PCT/AU04/01327		
I.A. FILING DATE	PRIORITY DATE	
09/27/2004	09/26/2003	
CONFIRMATION NO. 5382		
371 FORMALITIES LETTER		
 *OC000000021689163*		

Date Mailed: 12/27/2006



**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/24/2006
- Copy of the International Search Report filed on 03/24/2006
- Preliminary Amendments filed on 03/24/2006
- Oath or Declaration filed on 03/24/2006
- Small Entity Statement filed on 03/24/2006
- Request for Immediate Examination filed on 03/24/2006
- U.S. Basic National Fees filed on 03/24/2006
- Priority Documents filed on 03/24/2006
- Specification filed on 03/24/2006
- Claims filed on 03/24/2006
- Abstracts filed on 03/24/2006
- Drawings filed on 03/24/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath

or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

PATRICIA A BOOKER

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Telephone: (703) 308-9140 EXT 204

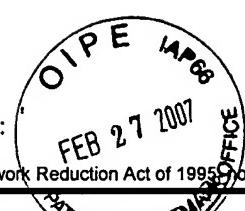
**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/573,341	PCT/AU04/01327	SPR00857P00040US

FORM PCT/DO/EO/905 (371 Formalities Notice)

Doc Code:



PTO/SB/17 (07-06)

Approved for use through 01/31/2007. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEES TRANSMITTAL  
for FY 2006** Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** **\$105.00****Complete if Known**

Application Number	10/573,341
Filing Date	March 24, 2006
First Named Inventor	Graeme David Richards
Examiner Name	not known
Art Unit	not known
Attorney Docket No.	SPR00857P00040US

**METHOD OF PAYMENT** (check all that apply)

Check     Credit Card     Money Order     None     Other (please identify): \_\_\_\_\_

Deposit    Deposit Account Number: 04-2223    Deposit Account Name: Dykema Gossett

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below     Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or any underpayments of fee(s) under 37 CFR 1.16 and 1.17     Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES**Fee Description

Each claim over 20 (including Reissues)

Small EntityFee (\$)

50      25

Each independent claim over 3 (including Reissues)

200      100

Multiple dependent claims

360      180

Multiple Dependent Claims

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 20 or HP = 0	x \$50.00	= \$0.00			

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 3 or HP = 0	x \$200.00	= \$0.00	

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 = 0	/ 50	0 (round up to a whole)	x \$250.00	= \$0.00

**4. OTHER FEE(S)**

Non-English specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Recordation of Assignment (\$40.00), Late filing surcharge (\$65.00)

\$105.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	38,978	Telephone	312-627-2184
Name (Print/Type)	Lisa Mueller		Date	February 27, 2007	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.